

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DOMESTIC DRYWALL
ANTITRUST LITIGATION**

**MDL No. 2437
13-MD-2437**

**THIS DOCUMENT RELATES TO:

ALL DIRECT PURCHASER ACTIONS**

Hon. Michael M. Baylson

**DIRECT PURCHASER PLAINTIFFS' MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED SETTLEMENT WITH LAFARGE
NORTH AMERICA INC. AND AUTHORIZATION TO
DISSEMINATE NOTICE TO THE LAFARGE SETTLEMENT CLASS**

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Direct Purchaser Plaintiffs Sierra Drywall Systems, Inc., Janicki Drywall, Inc., New Deal Lumber & Millwork Co., and Grubb Lumber Co., Inc. (collectively, "Plaintiffs") hereby move for an Order granting preliminary approval of a settlement reached between Plaintiffs and Defendant Lafarge North America Inc. ("Lafarge"). The settlement terms are memorialized in a Settlement Agreement entered into by the parties on June 16, 2016, and submitted with this motion.¹

Plaintiffs respectfully move for a Preliminary Approval Order provisionally certifying the Lafarge Settlement Class and finding that the proposed settlement with Lafarge is sufficiently fair, reasonable, and adequate to allow dissemination of notice of the settlement to potential members of the Lafarge Settlement Class and:

¹ Unless otherwise specified, all capitalized terms in this Motion will have the same meaning as set forth in the Lafarge Settlement Agreement, a copy of which is attached as Exhibit A to the Memorandum accompanying this Motion.

1. approving Kurtzman Carson Consultants LLC to serve as settlement administrator for the purpose of issuing notice to the Lafarge Settlement Class;
2. approving the mailed and publication forms of notice of the Lafarge Settlement (“Notices”);
3. ordering each Defendant to provide Interim Co-Lead Counsel with the names and addresses of any person or entity that purchased Wallboard directly from it from January 1, 2012 through June 16, 2016, to the extent not already provided;
4. directing dissemination of the Notices;
5. establishing a deadline for filing a motion for final approval of the Lafarge Settlement;
6. establishing a deadline for seeking exclusion from the Lafarge Settlement Class;
7. establishing a deadline for filing objections to the Lafarge Settlement; and
8. scheduling a hearing on final approval of the Lafarge Settlement.

This motion is made on the ground that the Settlement for \$23 million and Lafarge’s agreement to cooperate with Plaintiffs’ prosecution of the lawsuit is fair, reasonable, and adequate to allow dissemination of the Notices the Lafarge Settlement Class, thereby satisfying the requirements of Rule 23(e) of the Federal Rules of Civil Procedure. This motion is based on the Lafarge Settlement Agreement and the Memorandum in Support of Direct Purchaser Plaintiffs’ Motion for Preliminary Approval of the Proposed Settlement with Lafarge North America Inc. and Authorization to Disseminate Notice to the Settlement Class, submitted herewith.

Dated: July 1, 2016

Respectfully submitted,

/ s / Kit A. Pierson

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Interim Co-Lead Counsel for Direct Purchaser Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2016, I caused to be served on all counsel of record via ECF, a true and correct copy of the foregoing Direct Purchaser Plaintiffs' Motion for Preliminary Approval of Proposed Settlement with Lafarge North America Inc. and Authorization to Disseminate Notice to the Lafarge Settlement Class, along with the Memorandum in support of the Motion and supporting exhibits.

/ s / Kit A. Pierson

Kit A. Pierson